



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/748,657

12/31/2003

Kyoung-jae Lee

1293.1924

2805

21171 7590 10/16/2007
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

KOZIOL, STEPHEN R

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,657

Applicant(s)

LEE, KYOUNG-JAE

Examiner

Stephen R. Koziol

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. U.S. Patent# 6,151,426 for the same reasons as indicated in the previous Office Action, dated 06/28/2007.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2624

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. U.S. Patent # 6,151,426 further in view of Kao U.S. Patent 6,453,080 B1 for the same reasons as indicated in the previous Office Action, dated 06/28/2007.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. U.S. Patent # 6,151,426 further in view of Lopez U.S. Patent 5,596,655 for the same reasons as indicated in the previous Office Action, dated 06/28/2007.

Response to Arguments

Applicant's arguments filed September 28, 2007 have been fully considered but they are not persuasive.

Applicant notes independent claim 1 recites performing a pre-scanning operation until a current scanning area is located in the main-scan area. Applicant alleges Lee teaches a user selects an area of the document to receive a zoom scan and consequently, because the area is already selected, the scanning area is already known. Thus, applicant concludes, there is no pre-scan to locate the area of the zoom scan.

Furthermore, Applicant notes dependent claim 2 recites that the pre-scanning operation comprises sensing a position of a starting position of the main-scan area. However, applicant alleges because the user determines the zoom scan area in Lee, there is no pre-scanning operation, and therefore no sensing of the starting position during the pre-scanning operation.

For independent claim 9, Applicant presents arguments similar to independent claim 1.

Examiner respectfully disagrees.

With respect to independent claim 1, Lee teaches, in referring to figures 3A and 3B “in step 300 a variable resolution preview scan is initiated for a document placed in the flatbed of scanner 114 (FIG. 1) that may contain text, line art, and/or color and black and white photographic images of interest” (Lee, col. 5 lines 58-65). Thus, as per the language of claim 1 and contrary to applicant’s allegations, a pre-scanning operation has been performed at a first predetermined resolution and speed according to a scan command until a current scanning area is located in a main-scan area.

With further respect to claim 1, Lee also teaches performing a second main-scanning operation at a second predetermined resolution and speed until the current scanning area is beyond the main scan area and after the current scanning area has been located in the main-scan area (Lee figure 3B item 316 indicated the “main-scan” as per claim 1, which is described by Lee in col. 5 line 65 through col. 6 line 46). Thus, contrary to applicant’s position, Lee teaches a pre-scan to locate the area of a main-scan, as claimed in claim 1.

With respect to dependent claim 2, Lee teaches that performing a pre-scanning operation comprises sensing a position of a starting portion of the main-scan area in which a document is

Art Unit: 2624

positioned (Lee, where the pre-scanning operation is taught in col. 5 lines 58-65 and illustrated in figure 3A, item 300, and sensing the starting portion of the main-scan area is taught in col. 6 line 47 through col. 7 line 15). Thus, contrary to applicant's position, Lee teaches sensing the starting position during a pre-scanning operation.

Independent claim 9 recites a pre-scanning unit performing a pre-scanning operation until a current scanning area is located in a main-scan area. As discussed above, Lee teaches both the pre-scanning unit and locating a current scan area in a main scan area.

All claims remain rejected.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2624

Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Koziol whose telephone number is (571) 270-1844. The examiner can normally be reached on M - alt. F 8:00-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached at (571) 272-7413 . Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-7332.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Stephen R Koziol/
Desk: (571) 270-1844
Stephen.Koziol@uspto.gov



SAMIR AHMED
PRIMARY EXAMINER